IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 592/2002

BHANWAR LAL Vs. STATE OF RAJASTHAN & ORS.

DATE: 01.02.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Naveen Kr. Sharma for the complainant-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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Brief facts giving rise to the present revision petition are that on 31.07.99 Shri Bhanwar Lal S/o Shri Choga Lal Solanki and Dr. Jagdish Solanki submitted a written report to the Superintendent of Police, Ajmer against the accused-respondents about the incident which has taken place on 28.07.99 at about 7.00 p.m. After investigation, police submitted charge sheet before the Court of Civil Judge (Jr. Div) & Judicial Magistrate, Pushkar, who committed the case to the Special Judge, SC/ST (Prevention of Atrocities) Cases, Ajmer for trial. The trial Court has framed charge against the accused-respondents for the offence under Section 3(1)(10) of the SC/St (Prevention of Atrocities) Act.

After hearing the rival submissions of the respective parties, the learned Special Judge vide its impugned judgment dated 03.05.2002, acquitted the

accused-respondents from the offence punishable under Section 3(1)(10) of the SC/ST (Prevention of Atrocities) Act, against which the present revision petition has been preferred by the complainant-petitioner under Section 397 r/w Section 401 Cr.P.C.

Upon careful perusal of the relevant record as well as the impugned judgment dated 03.05.2002, it appears that the prosecution has failed to prove its case beyond doubt against the accused-respondents. The learned Special Judge has considered all aspects including the fact that Jagdish Solanki was not produced as witness. Not only this, but the caste certificate of Bhanwar Lal Solanki which was submitted, was also forged and they undertake to file original one but the same was not filed in the Court and no independent witness has corroborated the story of the prosecution. Considering the overall facts and circumstances of the case, as the prosecution has not been able to prove the offence under Section 3(1)(10) of the SC/ST Act against the accused-respondents, therefore, they have been acquitted from the aforesaid offence by the learned Special Judge.

I find no illegality or error apparent on the face of the record in the impugned judgment dated 03.05.2002 and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

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